

Memorandum

TO: HONORABLE MAYOR AND
CITY COUNCIL

FROM: Stephen M. Haase

SUBJECT: SEE BELOW

DATE: November 23, 2004

COUNCIL DISTRICT: 3

SUBJECT: GP03-03-15 AND PDC03-103. GENERAL PLAN AMENDMENT AND
PLANNED DEVELOPMENT REZONING LOCATED AT THE
NORTHEAST CORNER OF BONITA AVENUE AND SUNNY COURT.

RECOMMENDATION

The Planning Commission voted 7-0-0 to recommend that the City Council approve the proposed General Plan amendment and 5-2-0 (Commissioners Zito and Levy Opposed) to recommend approval of the Planned Development rezoning with changes.

BACKGROUND

On November 1, 2004, the Planning Commission held a public hearing to consider:

1. GENERAL PLAN AMENDMENT to change the San Jose 2020 General Plan Land Use/Transportation Diagram designation on the subject site from Light Industrial to Medium Density Residential (8-16 DU/AC) on 7 acres and Public Park/Open Space on 1-acre.
2. PLANNED DEVELOPMENT REZONING from LI Light Industrial Zoning District to A(PD) Planned Development Zoning District on a 7.7 gross-acre site to allow for the development of up to 77 single-family detached residential units and a public park

The Director of Planning, Building and Code Enforcement recommended approval of the General Plan amendment as proposed and approval of the Planned Development rezoning with conditions.

The Planning Commission held public testimony and discussion on the items together; however, separate motions were made on each item.

ANALYSIS

Steve Bull of KB Home, the applicant, made a presentation on both the General Plan amendment and the rezoning. He described the site plan and proposed improvements to the traffic signal at William and McLaughlin Streets, which although not required, would be implemented as a part of this project. He also requested that the Commission not recommend approval of condition

number one, "The setback for units on private drives for living area to perimeter lot line shall be 15 feet," as recommend by planning staff.

Public testimony was then taken. There were three community members who spoke on the proposed General Plan amendment and rezoning.

Yolanda Guittierrez, a resident who lives adjacent to the proposed project, stated that she was against the proposed project because it would increase traffic in a neighborhood that is already impacted, the subject site is polluted and will cause health problems to those living in the neighborhood, and that what the neighborhood really needs is a large park.

Neelam Pathikonda, representing the Silicon Valley Toxics Coalition, spoke against the proposed project by stating that there is not enough land for job-generating uses in the area and there is a need for open space. She also stated that Bonita Avenue is a difficult place to find parking and that residents park on their lawns. She was also concerned about the affordability of the project.

Luisa Chavann, also representing the Silicon Valley Toxics Coalition, spoke against the proposed project. She submitted a petition signed by approximately 158 people. The petition states, "We believe the City of San Jose should invest in the community already living in the neighborhood by building a park, supplying more green space and constructing low income housing." She also stated that she had asthma as a result of pollutants in the area. She noted, in addition, that people who use Bonita Avenue as a cut-through to Highway 101 cause traffic in the area.

Planning staff responded to the comments given by the speakers by stating that the project proposes a 0.73-acre public park that would serve the surrounding neighborhood, a Phase I Environmental Site Assessment report was conducted for the site and mitigation measures resulting from that report are included as a part of the project, and that based on the City's Level of Service policy the proposed project did not have a traffic impact. Staff also added that the General Plan amendment request was analyzed as a potential industrial conversion, that staff concluded that the site was not located within an identified employment area, and that eliminating the industrial use and replacing it with a residential use at the density of the surrounding neighborhood would help achieve the goal of the Housing Major Strategy and improve the compatibility of the site interface with the existing neighborhood. The Planning Commission then closed the public hearing and voted 7-0-0 to recommend that the City Council approve the proposed General Plan amendment.

Following the vote on the General Plan amendment, Commissioner Platten made a motion to recommend that the City Council approve the rezoning as recommended by staff. He stated that the community was underserved by parks and although the neighborhood felt that the proposed residential density on the site is too high, the approval of the project would give them a park that does not exist in their neighborhood today. The Commission then had a discussion on the motion.

Commissioner Campos questioned how the applicant would be providing the required 20% affordable units and if there was something they could do about the un-landscaped embankment on Kelly Court. The applicant responded that they will be providing the required number of affordable units on their site and that they would work with staff and the owner of the embankment to get it landscaped.

Commissioner Zito stated that he was concerned about the small parcel separating a portion of the project from the proposed park not being a part of the proposed rezoning. He also stated that the unit type being proposed has a number of bedrooms, which can accommodate large families, and with a large family the units would be providing very little private open space.

Commissioner James questioned planning staff's recommended condition for a 15-foot setback from living area to perimeter lot line for units on private drives, and he asked if there was a way for the developer to modify the site plan to accommodate the same amount of units and the setback. He requested to amend the motion to allow flexibility in the 15-foot setback and that the 15 feet should be a maximum. Commissioner Zito and Levy concurred that the developer was trying to fit too many units on the site.

The Commission then voted 5-2-0 (Commissioners Zito and Levy opposed) to recommend that the City Council approve the proposed rezoning as conditioned by staff with the exception of condition number one, which should be changed to state, "the setback for units on private drives for living area to perimeter lot line shall correspond with the setback of buildings on the adjacent property with a maximum setback of 15 feet to the satisfaction of the Director of Planning, Building, and Code Enforcement."

PUBLIC OUTREACH

A notice of the public hearings was mailed to all property owners and tenants within 1,000 feet of the subject site. The Planning Commission Agenda is posted on the City of San José web site, which includes a copy of the staff report. Staff has been available to discuss the project with interested members of the public. The General Plan amendment was presented at two community meetings that were held on October 6th and 7th 2002. The Planned Development Rezoning was presented at the Five Wounds/Brookwood Terrace Neighborhood Advisory Committee (NAC) on September 28, 2004 and again on October 26, 2004 to discuss the proposed project and solicit feedback from the community.

COORDINATION

This project was coordinated with the Department of Public Works, Fire Department, Police Department, Parks Department, Environmental Services Department, Redevelopment Agency, and the City Attorney.

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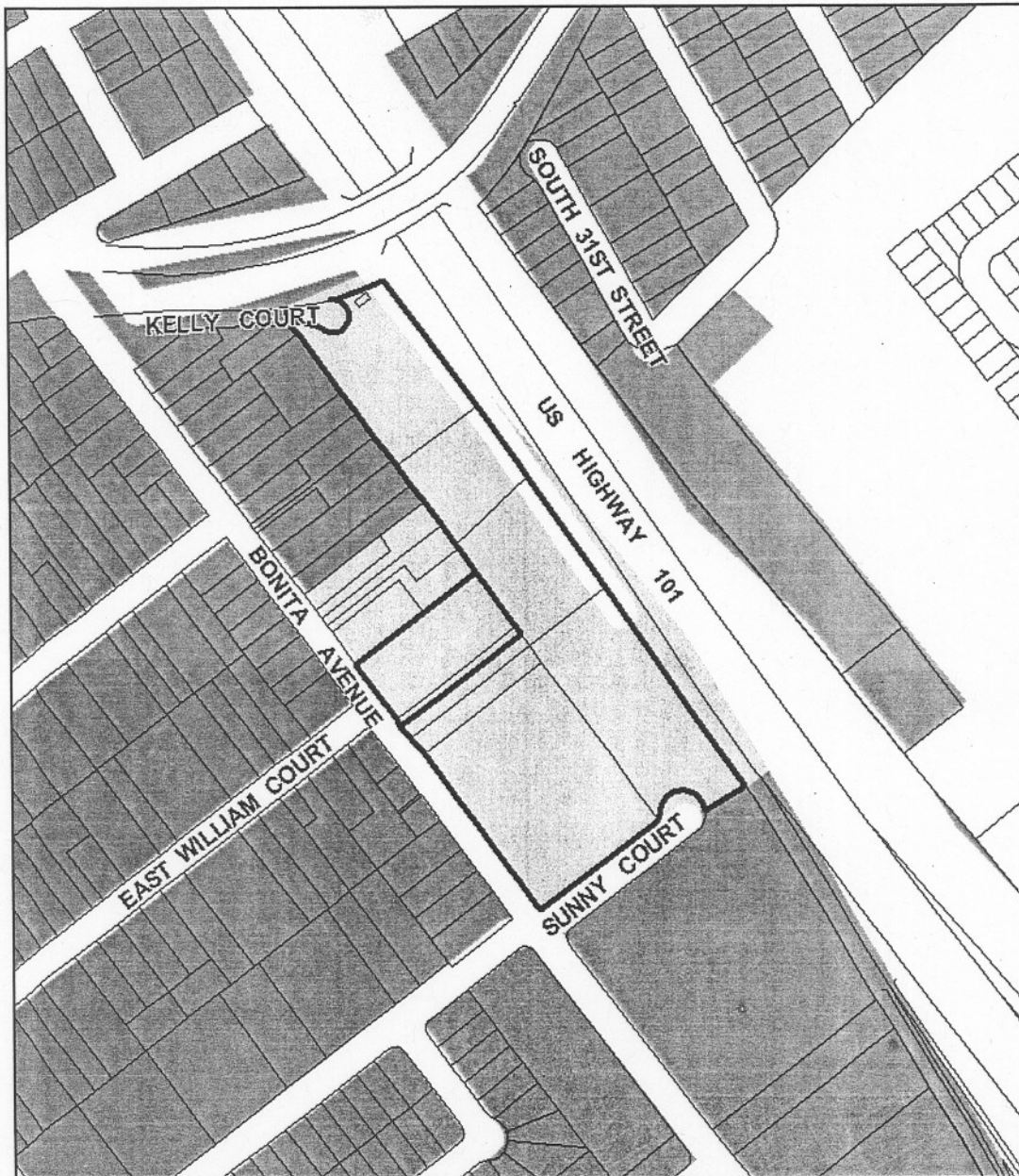
CEQA


An Initial Study was prepared for this project and a Mitigated Negative Declaration was circulated for public review by the Director of Planning, Building, and Code Enforcement on October 7, 2004 and adopted on October 26, 2004.


Jean Hamilton
For, STEPHEN M. HAASE
Secretary, Planning Commission




GP03-03-15




CITY OF
SAN JOSE
EARTH TO HEAVEN
Department of Planning, Building
and Code Enforcement
Planning Services Division

 Site


N
Scale: 1" = 250'
Quad: 68,84